

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JASON CROFFORD	§	
	§	
VS.	§	CIVIL ACTION NO.5-17-CV-209
	§	
UNITED STATES POSTAL SERVICE	§	

PLAINTIFF'S ORIGINAL COMPLAINT

JASON CROFFORD, (“Plaintiff”) files this his Original Complaint against UNITED STATES POSTAL SERVICE (“Defendant”), and for cause of action would respectfully show the Court as follows:

PARTIES AND SERVICE

1. Plaintiff, Jason Crofford, is an individual residing in Texas.
2. Defendant, UNITED STATES POSTAL SERVICE, is an agency of the United States government. The United States Postal Service may be served by certified mail to its designated agent for service of process, Civil Process Clerk Office of the United States Attorney for the Western District of Texas at 601 NW Loop 410, Suite 600, San Antonio, Texas 78216. The United States Postal Service may also be served by certified mail to the Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, D.C., 20530-0001.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the lawsuit under 28 U.S.C. §1331 because this lawsuit arises under the Federal Tort Claims Act, 28 U.S.C. §1346(b)
4. Venue is proper in this Court because a substantial part of the events and omissions giving rise to this claim occurred in this District and Division.

5. All conditions precedent to Plaintiff's claims against Defendants have been performed, have occurred, satisfied, or otherwise fulfilled. Specifically, before filing this lawsuit, Plaintiff presented his claim to the United States Postal Service, which acknowledged receipt on May 16, 2016. As of the filing of this lawsuit, the U.S. Postal Service has failed to make a final administrative disposition of Plaintiff's claim. Because more than six (6) months have elapsed since Plaintiff presented his claim to the Postal Service, Plaintiff has exhausted his administrative remedies and the Court has subject matter jurisdiction over this dispute. *See* 28 U.S.C. §2675(a).

FACTUAL BACKGROUND

6. Early in the morning of February 8, 2016, Plaintiff was safely and prudently operating his vehicle near Canyon Lake, Texas. During the dark and early morning hours, an employee of the U.S. Postal Service positioned his 18-wheeler truck across all lanes of traffic on a highway. The U.S. Postal Service truck had no visible lights. As result of the 18-wheeler occupying all lanes of the highway traffic, with no lights, Plaintiff collided with Defendant's vehicle and was seriously hurt. Plaintiff received no warnings prior to the incident and was without fault. Said incident was proximately caused by the negligence of Defendant. Plaintiff suffered multiple serious bodily injuries that were the result of the incident in question, and was life flighted from the scene.

ALLEGATIONS

7. On February 8, 2016, Defendant's employee, Flyner Alik, was driving the United States Postal Service vehicle in the course and scope of his employment. At the time of the crash, Defendant's employee failed to use ordinary care by various acts and omissions while operating the vehicle owned by Defendant. These acts or omissions, including but not limited to the ones listed below, were singularly or in combination, the proximate cause of the occurrence in question:

- a) Failing to keep a proper lookout.
- b) Failing to obey traffic laws of the state of Texas.
- c) Failing to safely operate vehicle.
- d) Failing to maintain the vehicle.
- e) Other acts of negligence.

8. Defendant, United States Postal Service, is also responsible for the crash and Plaintiff's injuries. These acts or omissions, including but not limited to the ones listed below, were singularly or in combination, the proximate cause of occurrence in question. The negligence of Defendant was a proximate cause of Plaintiff's injuries and damages. Defendant, United States Postal Service, was negligent in the following manner:

- a) Defendant is the owner of the vehicle.
- b) Defendant's vehicle was driven by Defendant driver negligently at the time of the accident.
- c) Defendant's negligence proximately caused injury to Plaintiff.
- d) Defendant employed the driver and is liable for his negligence pursuant to the doctrine of respondeat superior.
- e) Failing to properly maintain vehicle.
- f) Other acts of negligence.

PLAINTIFF'S INJURIES AND DAMAGES

9. Plaintiff suffered severe bodily injuries as a result of the incident made the basis of this lawsuit. Plaintiff, therefore, seeks the recovery of the following damages:

- (a) Past and future physical pain;
- (b) Past and future mental anguish;

- (c) Past and future physical impairment;
- (d) Past and future physical disfigurement;
- (e) Past loss of wages and household services;
- (f) Future loss of earning capacity and household services; and
- (g) Past and future medical expenses.

RECOVERY OF INTEREST

10. Plaintiff would additionally say and show that he is entitled to recovery of pre-judgment and post-judgment interest in accordance with law and equity as part of his damages herein and Plaintiff here and now sues specifically for recovery of pre-judgment and post-judgment interest as provided by law.

PRAYER

WHEREFORE, Jason Crofford, Plaintiff, prays that the Defendant be cited to appear and answer this lawsuit, that judgment be entered against Defendant, that Plaintiff recover his damages in accordance with the evidence, that Plaintiff recover his costs of court, that Plaintiff recover interest to which he is entitled under the law, and for all other just and equitable relief.

Respectfully Submitted,

STEVENSON & MURRAY

/s/ W. Robert Hand

JOHN W. STEVENSON, JR.

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